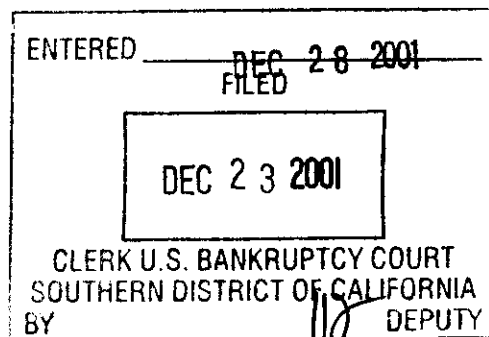


**SAMPSON & ASSOCIATES**  
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 Elizabeth Aronson (#167869)  
 2139 First Avenue  
 San Diego, California 92101  
 (619)557-9420 / Fax (619)557-9425

Attorneys for Creditor  
**BRADLEY PROULX**



**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

In re:  
**SARA NEWSOME BURNS,**  
 Debtor.  


---

**RICHARD KIPPERMAN,** Trustee  
 Plaintiff,  
 v.  
**BRADLEY PROULX,** an individual  
 Defendant.

CASE NO. 99-33191-B7

Adv. No.: 01-90355-B7

Chapter 7

**ORDER GRANTING PROULX'S  
 MOTION FOR SUMMARY JUDGMENT**

Date: December 17, 2001  
 Time: 2:30 p.m.  
 Ctrm: 4  
 Judge: Hon. Peter W. Bowie

Creditor/Defendant **BRADLEY PROULX**'s motion for summary judgment in response to Plaintiff **RICHARD KIPPERMAN**'s Complaint To Determine Nature and Extent of Trustee's Lien And For Declaratory Relief based upon 11 U.S.C. §544(a)(1) came before this court on the above date and time, the Honorable Peter W. Bowie, presiding. Creditor **BRADLEY PROULX** appeared through his counsel, Elizabeth Aronson. Trustee **RICHARD KIPPERMAN** was present and appeared through his counsel, L. Scott Keehn. Upon reviewing the pleadings filed by the parties and hearing oral argument presented by both parties, and good cause appearing therefor:

///

///

1 The Court's findings of fact and conclusions of law were stated orally by the Court, and  
2 recorded in open session, following the close of argument, and, are incorporated herein by this  
3 reference pursuant to Rules 7052 and 9014 of the Federal Rules of Bankruptcy Procedure, and  
4 Rule 52(a) of the Federal Rules of Civil Procedure.

5 Based upon the foregoing,

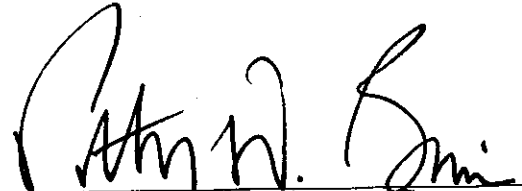
6 **IT IS HEREBY ORDERED**, that,

7 1.0 Creditor PROULX's motion for summary judgment is GRANTED as to the non-  
8 avoidability of PROULX's ORAP lien under California Code of Civil Procedure Section 708.110;  
9 and

10 2.0 Creditor PROULX's motion for summary judgment is DENIED in all other  
11 respects.

12 **IT IS SO ORDERED.**


13  
14 Dated: DEC 23 2001

  
Judge, United States Bankruptcy Court

15  
16 NOTICE: Signature by the attorney constitutes a certification under Fed. R. Bankr. P. 9011  
17 that the relief provided by the order is the relief granted by the court.

18 Submitted by:

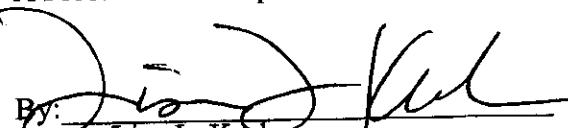
19 December 20, 2001

  
Bryan D. Sampson

20 Approved as to form.

21 DATED: 12/20/01

22 ROBBINS & KEEHN  
A Professional Corporation

23  
24 By:   
25 Lisa L. Keehn  
26 Counsel for Plaintiff and Chapter 7  
27 Trustee Richard Kipperman  
28